

ORDINANCE NO. 44, SERIES 2005

AN ORDINANCE REPEALING LOUISVILLE METRO
CODE OF ORDINANCES (LMCO) SECTIONS 156.051(B)
(2) THROUGH (5) AND 156.055 AND REENACTING A
NEW CHAPTER 51 RELATING TO SOLID WASTE.

SPONSORED BY: Ron Weston, District 13

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS
FOLLOWS:

SECTION I. The Louisville Code of Ordinances Chapter 53 is repealed in its entirety,
and Chapter 150, Section ES 301.0 is hereby repealed in its entirety.

SECTION II. The L.M.C.O. Sections 156.051(B)(2) through (5) and 156.055 are hereby
repealed.

SECTION III. Chapter 51 of the L.M.C.O. is hereby repealed in its entirety and
reenacted to read as follows:

DEFINITIONS GOVERNING SOLID WASTE

§ 51.001. DEFINITIONS.

For the purpose of Chapter 51 of the Louisville Metro Code of Ordinances, the
following definitions shall apply unless the context clearly indicates or requires a
different meaning.

BOARD OR BOARD OF DIRECTORS. The governing body of the
Louisville/Jefferson County Waste Management District.

BOARD OF HEALTH. As defined in KRS Chapter 212.

BULK CONTAINERS. Solid waste containers one cubic yard or larger which are
made of metal or other materials of proven durability and rigidity with functioning doors
or covers; are capable of being transported intact as a unit; are capable of unloading by

mechanical equipment without spillage, and meet tip-resistant requirements when empty and with the doors or covers in the most adverse position to effect tipping.

BULK WOODY WASTE. Tree limbs, branches, trunks, stumps, shrubbery and brush accumulated by tree trimming services; by land clearing or commercial landscaping operations; or by public agencies as a result of storm damage or special collections.

CABINET. The Kentucky Natural Resources and Environmental Protection Cabinet or any such successor agency.

CENTRAL BUSINESS DISTRICT. All streets included within that section of the County bounded on the north by the Ohio River, on the east by the east line of Hancock Street, on the south by the south line of Broadway, and on the west by the west line of Fifteenth Street.

COLLECTION. The act of collecting solid wastes at the place of generation by a licensed waste hauler (public or private) and is distinguished from REMOVAL.

COMMERCIAL SOLID WASTE. All types of solid waste generated by stores, offices, restaurants, apartments, hotels, motels, warehouses and other service and non-manufacturing activities, excluding household and industrial solid waste.

COMPOSTING FACILITIES. Any site or facility where organic solid waste is biologically decomposed under controlled aerobic conditions that stabilize the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner. This does not include compost bins used on residential property for composting of yard waste generated at the residence.

CONSTRUCTION and DEMOLITION WASTE. The remains of the construction, remodeling, repairs and demolition operations on houses, commercial buildings, pavements and other structures.

CONSTRUCTION/DEMOLITION DEBRIS WASTE. Waste resulting from the construction, remodeling, repair and demolition of structures and roads.

CONSTRUCTION/DEMOLITION DEBRIS FACILITY. A solid waste site or facility for the processing by grinding, crushing, sorting, separating and recovering of construction/demolition debris for reuse or recycling.

COUNCIL. The legislative council of Metro Government.

COUNTY. Jefferson County, Kentucky.

DEPARTMENT. The Metro Solid Waste Management Department.

DEPARTMENT OF HEALTH. The Louisville/Jefferson County Metro Department of Health or any successor agency.

DIRECTOR OF HEALTH. The Director of the Louisville/Jefferson County Metro Department of Health or an authorized representative.

DIRECTOR. The Director of the Metro Solid Waste Management Department and the Louisville/Jefferson County Waste Management District, or an authorized representative.

DISCARDED. Material that is abandoned and not used for fuel or recycling purposes.

DISPOSAL. The discharge, deposit, dumping, or placing of any solid waste into or onto any solid waste management facility or incinerator.

DUMPING. Violations of this chapter involving improper disposal of waste in an amount greater than the capacity of a standard 20-gallon container.

GENERAL SERVICES DISTRICT. The area of the County, which lies outside the boundaries of the Urban Services District.

GROSS RECEIPTS. The total amount of money or value or other consideration received or generated by engaging in the business or businesses defined in this Ordinance before any deductions related to the cost of doing business.

HAZARDOUS WASTE. Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

HOUSEHOLD SOLID WASTE. That waste usually associated with residential households including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks and campgrounds.

INDUSTRIAL SOLID WASTE. Solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation, fertilizer or agricultural chemicals, food and related products or by-products, inorganic chemicals, iron and steel

manufacturing, leather and leather products, nonferrous metals manufacturing/foundries, organic chemicals, plastics and resins manufacturing, pulp and paper industry products, rubber and miscellaneous plastic products, stone, glass, clay and concrete products, textile manufacturing, transportation equipment, and water treatment.

IPL. The Louisville/Jefferson County Metro Government Department of Inspections, Permits and Licenses.

LANDFILL. A solid waste management facility, the primary purpose of which is the disposal of solid waste via incorporation into or onto the ground.

LITTERING. Violations of this chapter involving improper disposal of waste in an amount less than or equal to the capacity of a standard 20-gallon container.

LONG-TERM CONTRACT. A contract of sufficient duration to assure the viability of a resource recovery facility to the extent that such viability depends upon solid waste supply.

LOUISVILLE/JEFFERSON COUNTY WASTE MANAGEMENT DISTRICT BOARD ("Board"). The governing body of the Louisville/Jefferson County Waste Management District.

MEDICAL WASTE. Those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

METRO GOVERNMENT. The Louisville/Jefferson County Metro Government.

MULTI-FAMILY RESIDENTIAL PROPERTY. Residential buildings with nine or more dwelling units.

MUNICIPAL SOLID WASTE. Household solid waste and commercial solid waste.

NUISANCE. A thing, act, occupation or use of property which causes an annoyance, hazard or injury, or the unlawful obstruction of a street, road, alley or other public or private property, including, but not limited to, permitting or causing the presence, or accumulation of waste, rubbish, junk, trash or non-operable appliances or equipment.

OCCUPANT. Every owner, tenant, or person having the care or control of any premises within the County.

OFF-SITE WASTE MANAGEMENT FACILITY. Any site or facility whose principal purpose is the treatment, storage or disposal of solid waste, or a combination of these activities but shall not include those treatment, storage or disposal activities which occur incidental to or which are not otherwise distinguishable from a broader manufacturing operation at the site of the operation.

ORDINARY COMMERCIAL SOLID WASTE. The general and usual waste that accumulates in or on the land appurtenant to any retail or commercial enterprise.

PERSON. Any and all persons, natural or artificial, including any individual, firm, or association, any municipal or quasi-municipal corporation or private corporation, any county and any other governmental agency and political subdivision of the Commonwealth or any subdivision or instrumentality of the United States of America.

PROCESSING. The reduction, separation, resource recovery, conversion, or recycling of solid waste.

PUTRESCIBLE WASTE. Solid waste containing organic matter capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions and includes but is not limited to materials such as food waste, offal and dead animals.

RECYCLING. Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Kentucky Natural Resources and Environmental Protection Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

RECYCLING FACILITY. Any facility at which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Natural Resources Environmental Protection Cabinet, but does not include the incineration or combustion of materials for recovery of energy.

REMOVAL. The act of taking solid waste from the place of generation either by contract through a licensed waste hauler or by a person in control of the premises.

RESOURCE RECOVERY. Any reclamation of material or energy from waste.

SLUDGE. The accumulated semi-liquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations and from community activities, but does not include those materials including sand, soil, rock, or gravel extracted as part of a public road project.

SOLID WASTE MANAGEMENT or WASTE MANAGEMENT. The administration and/or regulation of solid waste activities; collection, source separation, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a cabinet approved county solid waste management plan.

SOLID WASTE MANAGEMENT AREA or AREA. Any county designated by the cabinet by approval of the local or regional waste management plan.

SOLID WASTE MANAGEMENT FACILITY. Any facility for the collection, storage, processing, treatment, or disposal of solid waste, excluding:

(1) A container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal;

(2) A solid waste management facility which collects, stores, processes, treats or disposes of wastes located on the property where such waste is generated;

(3) A recovered material processing facility which is subject to regulation pursuant to the chapter for control of environmental impacts and to prevent any public nuisance; and

(4) A recycling facility.

SOLID WASTE TRANSFER STATION. Any site or facility for transferring solid waste at a point intermediate between the point of collection and the point of ultimate disposal. Such facilities may include but are not limited to, direct dump stations, where the collection vehicle dumps directly into the long haul unit or into a compacting device; storage-type stations, where the solid waste is dumped into temporary storage or on a platform and then re-handled or removed to a transfer vehicle; and any other intermediate points including water-side or rail-side facilities. Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

TRANSFER FACILITY. Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

SOLID WASTE TRANSPORTATION VEHICLE. Any truck, automobile, tractor, or other self-propelled vehicle not operated or driven on fixed rails or track used in the transportation of solid waste, but does not include a vehicle used to transport solid waste from a residence if the vehicle is owned or leased by an individual who lives in the residence, and does not include a vehicle used to transport solid waste within the boundaries of real property owned or leased by the generator of the solid waste.

UNIVERSAL COLLECTION. A municipal solid waste collection system established by ordinance and approved by the Kentucky Natural Resources and Environmental Protection Cabinet that requires access for each household or solid waste generator in the County.

UNPROCESSED, COMPOSTABLE WASTE. Any herbaceous materials as defined in Solid Waste Regulations 10.1(a) and 10.1(aa); vegetable food scraps; manure; straw; and biosolids, or a mixture thereof that are received at a compost facility and that have not been ground, chipped, or shredded.

URBAN SERVICES DISTRICT. That area described in KRS 67C.147 as the area formerly comprising the city of the first class, or as such area may be amended according to state law.

VARIABLE SERVICE RATE. A collection service pricing structure that allows customers to choose the frequency of collection and/or the number of containers that may be placed out for collection.

VECTOR. An animal or insect that is capable of transmitting a causative organism of disease from infected to non-infected individuals.

VEHICLE. Any truck, automobile, tractor, or other self-propelled vehicle not operated or driven on fixed rails or track and used in the transportation of solid waste, but does not include a vehicle used to transport solid waste from a residence if the vehicle is owned or leased by an individual who lives in the residence, and does not include a vehicle used to transport solid waste within the boundaries of real property owned or leased by the generator of the solid waste.

WASTE DISPOSAL FACILITY. Any type of waste site or facility where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including other waste allowed under subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended and includes, but is not limited to, incinerators and waste-to-energy facilities that burn municipal solid waste, and contained in residential landfills. A waste disposal facility does not include a facility which is operated exclusively by a solid waste generator on property owned by the solid waste generator which accepts only industrial solid waste from the solid waste generator or industrial solid waste generated at another facility owned and operated by the generator or wholly-owned subsidiary, or a medical waste incinerator which is owned, operated and located on the property of a hospital or university which is regulated by the Natural Resources and Environmental Protection Cabinet and used for the purpose of treatment, prior to landfill, of medical waste received from the generator exclusively or in combination with medical waste generated by professionals or facilities licensed or regulated or operated by the Commonwealth.

WASTE HAULER. Any person, corporation, municipal corporation, or any other entity engaged in the business of, or offering services for, the hauling, collection or transfer of solid waste within the geographic boundaries of the County.

WASTE MANAGEMENT DISTRICT or DISTRICT. The county-wide district created by the provisions of this Chapter enacted under the provisions of KRS 109.041(13), KRS 109.115 and KRS 67.083(3) and operating in conformance with KRS Chapter 109 and Section 4006 of the Resource Conservation and Recovery Act of 1976 as amended (P.L. 94-580).

YARD WASTE. Leaves, grass and any other herbaceous or woody materials generated at residential occupancies; those ground, chipped, or shredded materials of herbaceous or woody nature accumulated in bulk by in-house commercial or institutional grounds maintenance crews or by contractors engaged in the business of residential or commercial grounds maintenance, tree trimming, leaf clearing, etc.; and any other accumulations of herbaceous materials, including Christmas trees.

WASTE MANAGEMENT DISTRICT

§ 51.100. CREATION OF DISTRICT.

(A) There is a Waste Management District, which was created pursuant to KRS 109.041(13), KRS 109.115 and KRS 67.083(3), which includes in its jurisdiction all territory within the borders of the County and shall be called "Louisville/Jefferson County Metro Government Waste Management District."

(B) The Waste Management District shall be a continuing public entity and exist until such time as dissolved or terminated by duly enacted Ordinance of the Council.

(C) The fiscal year of the district shall begin on July 1 of each year and end on June 30 next following.

§ 51.101. BOARD OF DIRECTORS.

(A) The business, activities and affairs of the Waste Management District shall be managed, controlled and conducted by a Board composed of five directors appointed by the Mayor. One director shall be a resident of and representative of the area covered by each of the three Fiscal Court Commissioner districts. The fourth director shall be a resident of and represent the Urban Services District. The fifth

director shall be an at-large resident of the County and shall serve as chairman of the Board. One of the members may be a resident of a rural area of the County.

(B) Except for the initial appointment to the Board, each director shall serve a two-year term and until his or her successor is appointed and qualified; the initial Board shall consist of three directors appointed for one year and two directors appointed for a full term. Thereafter, Board appointments shall be for full terms. A Director is eligible to succeed himself. Should a duly appointed director die, resign, be removed or refuse to act (fail to attend three successive regular meetings of the Board), appointment shall be only for the un-expired term.

(C) A director may be removed by the Mayor pursuant to KRS 65.007.

§ 51.102. MEETINGS OF BOARD; QUORUM.

(A) Regular meetings of the Board may be bi-monthly or as deemed necessary by the Board, but the Board shall meet no less than once per quarter. The Board shall fix the time and place of regular meetings. Special meetings may be called in accordance with Board rules.

(B) Three members of the Board shall constitute a quorum, and the affirmative vote of at least three members of the Board shall be necessary for the adoption of any motion, measure or resolution.

§ 51.103. OPERATION OF BOARD; ADOPTION OF BYLAWS.

(A) The Board shall adopt such bylaws and other rules, as it deems necessary for its organization, proceedings and staffing consistent with the laws, ordinances and resolutions of the Commonwealth of Kentucky and Metro Government.

(B) The Board shall operate under a budget and uniform accounting system as required by law, including the filing and publishing of annual statements.

§ 51.104. COMMITTEES.

(A) The board shall create at least one standing committee for the purpose of securing regular input on solid waste management issues. In creation of this committee, the board shall attempt to ensure representation from at least the following groups: governmental agencies concerned with solid waste regulation; incorporated cities within the County; the local solid waste collection/disposal industry; citizens at large, including representatives of environmental groups.

(B) The Board may create additional committees for such purposes and needs as may arise in the performance of the Board's duties.

§ 51.105. POWERS AND DUTIES OF WASTE MANAGEMENT DISTRICT.

(A) The Waste Management District shall have those powers and duties assigned to solid waste management districts under KRS Chapters 68.178 and 109 and 224, as such statutes may be amended and supplemented from time to time, which powers include, but are not limited to, the powers and duties set forth in this ordinance.

(B) Preparation and submission to the cabinet, as the cabinet may require from time to time, solid waste management plans and revisions and amendments thereto for Metro Government;

(C) The planning, initiating, acquiring, constructing, maintaining and operating of solid waste management facilities;

(D) The authority to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise police power in respect thereto;

(E) The authority set forth in KRS Chapter 58 to issue bonds and other instruments of indebtedness at private or public sale for the purpose of financing and refinancing solid waste management facilities;

(F) The authority to promulgate regulations as to the licensure, construction, maintenance and operation of solid waste management facilities, including requiring the use of one or more solid waste management facilities by persons within Metro Government or designated ordinances thereof;

(G) The right to sue and be sued and to make contracts, including, but not limited to, long-term contracts and contracts with other districts, counties, cities and other governmental agencies directed toward the establishment of a multi-county or regional solid waste management area;

(H) The right to charge reasonable fees and rentals for providing and/or regulating solid waste management facilities in order to finance the district's operations, service its indebtedness and provide adequate funds for facility replacement. KRS 68.178 provides that the fiscal court of any county may license off-site waste management facilities located within the county with the imposition of a license fee. Therefore, pursuant to KRS 67C.101, the Metro Government has the authority to impose license fees. The Metro Government has assigned to the Louisville/Jefferson County Waste Management District all powers or duties given to it by KRS 68.178;

(I) The right to acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be deemed appropriate in its area of operation, title to any such property to be in the name of and vested in the District;

(J) The Waste Management District Board shall provide a universal collection program, pursuant to KRS Chapter 224, for all municipal solid waste in the County, provided, however, the Board may assure access to the collection system through a registration program of waste haulers or by contracting with a person, county, or city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the Metro Government; and

(K) The Waste Management District Board may adopt such rules and regulations as are necessary to carry out the purposes for which the waste management district was created and necessary for the adequate management of solid waste in a manner adequate to protect the public health and consistent with such rules and regulations as may be promulgated by the cabinet.

§ 51.106. DISTRICT AS SOLID WASTE MANAGEMENT AREA.

The Louisville/Jefferson County Metro Government Waste Management District succeeds to the county's and Jefferson County Waste Management District's designation by the Cabinet as the solid waste management area within and for the geographical boundaries of the County. The district is charged with the responsibility for submitting, amending and/or updating on behalf of Metro Government the 1987 Cabinet-approved solid waste management plan and any and all subsequent plans.

§ 51.107. WASTE MANAGEMENT DISTRICT; AUTHORITY AND RESPONSIBILITY.

(A) Enforcement. Authority for supervising and enforcing the provisions of L.M.C.O. Chapter 51 is expressly delegated to the Waste Management District. The Waste Management District may delegate certain responsibilities of this ordinance to the Director of Health, IPL, or other Metro Government agencies or departments.

(B) Duties. It shall be the responsibility of the Waste Management District to:

(1) Supervise the execution of all applicable laws, rules and regulations pertaining to solid waste management.

(2) Investigate all violations and grievances reported.

(3) Issue orders for corrections of violations of this ordinance.

(4) Institute necessary proceedings to prosecute violations of this ordinance.

(5) Establish procedures and to enforce regulations concerning matters pertaining to licensing and fees to be charged therefore, in conformity with regulations of the Kentucky Natural Resources and Environmental Protection Cabinet and any other applicable law or regulation.

(C) The Metro Government shall provide all staff support; including the hiring of an Executive Director of the District, through its officers, assistants, clerics, deputies, and employees. The staff of the Waste Management District, including the Executive Director, shall be deemed Metro Government employees and shall be subject to the control of the Mayor.

(D) The Metro Government shall continue to assume full funding responsibility, administrative responsibility, and fiscal control for the Waste Management District.

§ 51.108. EXECUTIVE DIRECTOR OF DISTRICT.

The Executive Director of the Waste Management District:

(A) Directs the staff in drafting and implementing the solid waste management Plan for Metro Government;

(B) Acts as designated Solid Waste Coordinator for Metro Government per KRS 224;

(C) Directs staff in:

(1) Drafting rules and regulations to be enforced for licensing solid waste management facilities, waste haulers and junkyards;

(2) Developing and implementing strategies and programs to promote waste reduction and recycling;

(3) Operates drop-off centers for recyclables and other such programs as necessary for the promotion of waste reduction, recycling and reuse.

(D) Acts as liaison to the Louisville/Jefferson County Waste Management District Board of Directors.

OFF-SITE WASTE MANAGEMENT FACILITIES

§ 51.200. LICENSING.

(A) All persons involved in the business of operating an off-site waste management facility within the County shall be licensed with the District pursuant to regulations duly adopted by the Board of Directors.

(B) The off-site waste management facility license shall consist, in part, of the filing of a quarterly annual report with the District pursuant to regulations duly adopted by the Board of Directors.

(C) Types of Facilities:

(1) Off-site waste management facilities shall be classified and licensed in one or more of the following categories:

- (a) Landfill;
- (b) Solid Waste Management Facility other than a landfill;
- (c) Waste Disposal Facility other than a landfill;
- (d) Recycling Facility; or
- (e) Composting Facility.

(2) The Department shall make available a form listing the information required in this regulation to any person wishing to apply for a license to operate an off-site waste management facility. These forms may be obtained, inspected or copied at the Department.

§ 51.201. FEE SCHEDULE.

(A) Pursuant to the authority granted by KRS 68.178(1) and in conformity with the home rule power granted to Metro Government, there is hereby imposed an annual license fee for the operation of a recycling facility, solid waste management facility, landfill [or] waste disposal facility, or other waste management business.

(B) The fees for these specific licenses are as follows:

<i>Type of Facility</i>	<i>License Fee</i>
Landfill	5% per annum of the facility's gross receipts
Waste Disposal Facilities, other than a landfill or recycling facility	2% per annum of the facility's gross receipts
Solid Waste Management Facilities	2% per annum of the facility's gross receipts

Recycling and Composting Facilities	\$100 application fee and \$100 annual renewal fee
Waste Haulers	\$100 a year plus \$10 per truck

(C) No license fees may be collected from the Metro Government solid waste collection trucks hauling solid waste to a landfill or transfer station and the license fees provided for in this Section shall not be collected from a landfill or transfer station on solid waste brought into a landfill or transfer station by Metro Government trucks.

§ 51.202. COLLECTION OF FEES; REGULATORY AUTHORITY.

(A) The Board, is hereby designated the agent of Metro Government to issue licenses and collect and manage the license fees prescribed by § 51.201.

(B) The Board shall establish regulations providing the implementation of this subchapter, the issuance of licenses, collection of the license fees imposed herein, and the assessment of interest at the legal rate, and penalties not to exceed \$1,000 or the statutory maximum, whichever is greater, per day, for any failure to pay the fees imposed.

(C) Departmental Action:

(1) The Department shall within forty-five (45) days of receipt of an application:

(a) Approve the application to operate an off-site solid waste management facility;

(b) Disapprove the application; or

(c) Request additional information from the applicant.

(2) The Department shall not issue a license to any applicant who has not filed a fully completed application form.

(D) The Department shall collect the licensing fees prescribed by L.M.C.O. §51.201 and deposit all funds received into the Metro Government's general fund which funds shall be credited to the Louisville/Jefferson County Solid Waste Management District. Money unexpended at the close of the fiscal year shall not lapse, but shall be carried forward for future use.

§ 51.203. TIME OF PAYMENT.

(A) Receipt-based fees imposed by this Chapter shall be paid quarterly on January 30th, April 30th, July 31st, and October 31st for the gross receipts received during the preceding quarter and shall be reported on a form provided by the Board.

(B) Annual renewal fees imposed by this subchapter shall be due and payable on or before July 31 of each year.

LICENSE APPLICATIONS, FEES AND REPORTS

§ 51.204. LANDFILL.

(A) Landfill License Application.

(1) An applicant for a license to operate a landfill shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;
- (c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;

(e) The location(s) of the facility sought to be licensed;

(f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;

(g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;

(h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a landfill(s), wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

- (a) Be sworn;
- (b) State that he has the authority to represent the applicant;
- (c) State that the information is true and correct to the best of his knowledge and belief; and
- (d) Have his signature and oath notarized.

(B) Landfill License Fee:

(1) The license fee for operating a landfill shall be up to five (5%) percent per annum of the facility's gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by up to five (5%) percent.

(3) The landfill licensing fee shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at its designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department, which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Landfill Waste Quantity Report (DEP 7046) that is filed with the Kentucky Division of Waste Management;

(f) Tons of materials (if any) recycled at the facility for the reporting period;

(g) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

§ 51.205. OFF-SITE SOLID WASTE MANAGEMENT FACILITY OTHER THAN A LANDFILL.

(A) Off-Site Solid Waste Management Facility Other Than A Landfill License Application:

(1) An applicant for a license to operate an off-site solid waste management facility, other than a landfill, shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;

- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.
- (j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of an off-site solid waste management facility other than a landfill, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of an off-site solid waste management facility, other than a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning an off-site solid waste management facility, other than a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of an off-site solid waste management facility other than a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief;

(d) Have his signature and oath notarized.

(B) Off-Site Solid Waste Management Facility Other Than A Landfill License Fee:

(1) The license fee for operating an off-site solid waste management facility other than a landfill shall be two (2%) percent per annum of gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by two (2%) percent.

(3) The licensing fee for an off-site solid waste management facility other than a landfill, shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at it's designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department that shall include the following information:

(a) The name, business address and federal tax identification number of the business:

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Transfer Station/Convenience Center Waste Quantity Report (DEP 7076) that is filed with the Kentucky Division of Waste Management;

(f) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

§ 51.206. RECYCLING FACILITY.

(A) Recycling Facility License Application:

(1) An applicant for a license to operate a recycling facility shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

(a) Name in which license is sought;

(b) Business address, including street address, and zip code;

- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.
- (j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a recycling facility, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a recycling facility and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a recycling facility, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a recycling facility and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(B) Recycling Facility License Fee. The license fee for operating a recycling facility shall be \$ 100 per year. The annual renewal fee shall be due and payable on or before July 31 of each year.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department, which shall be on a form supplied by the Department that shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The address and type of facility for which the report is made;

(c) Copy of the Quarterly Registered Permit-by-Rule Recycling Waste Quantity Report (DEP 7081) that is filed with the Kentucky Division of Waste Management;

(d) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

§ 51.207. COMPOSTING FACILITY.

(A) Composting Facility License Application:

(1) An applicant for a license to operate a composting facility shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;
- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not

be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a composting facility, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a composting facility and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a composting facility, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of

any federal, state or local law or regulation applicable to the management of a composting facility and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(D) Composting Facility License Fee: The license fee for operating a composting facility shall be \$100 per year. The annual renewal fee shall be due and payable on or before July 31 of each year.

(E) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall be on a form supplied by the Department which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The address and type of facility for which the report is made;

(c) Copy of any reports presently required to be submitted to the Kentucky Division of Waste Management for composting facilities and any report forms that may be developed;

(d) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

§ 51.208. WASTE DISPOSAL FACILITY OTHER THAN A LANDFILL.

(A) Waste Disposal Facility Other Than A Landfill License Application:

(1) An applicant for a license to operate a waste disposal facility other than a landfill shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;
- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;

(g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;

(h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a waste disposal facility other than a landfill, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a waste disposal facility other than a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation

concerning a waste disposal facility, other than a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a waste disposal facility other than a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

- (a) Be sworn;
- (b) State that he has the authority to represent the applicant;
- (c) State that the information is true and correct to the best of his knowledge and belief; and
- (d) Have his signature and oath notarized.

(B) Waste Disposal Facility Other Than A Landfill License Fee:

(1) The license fee for operating a waste disposal facility other than a landfill shall be two (2%) percent per annum of gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by two (2%) percent.

(3) The licensing fee for off-site solid waste management facility other than a landfill shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at its designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department, which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Transfer Station/Convenience Center Waste Quantity Report (DEP 7076); Quarterly Solid Waste Incinerator Waste Quantity Report (DEP 7079); or other applicable quarterly report form required to be filed with the Kentucky Division of Waste Management for a particular facility falling under this classification;

(f) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

WASTE HAULERS

§ 51.300. WASTE HAULERS.

(A) Any public or private waste hauler engaged in the business of hauling waste within the County must register, obtain and maintain a Metro Government Waste Hauler License pursuant to regulations duly adopted by the Board of Directors.

(B) To obtain the Metro Government Waste Hauler License, Waste Haulers must register with the Waste Management District by completing a license application in a form specified by the Waste Management District pursuant to regulations duly adopted by the Board of Directors.

(C) License to Operate:

(1) Any waste hauler engaged in the business of hauling waste or providing waste hauling services within the County must register, obtain and maintain a Metro Government Waste Hauler License ("License").

(2) To obtain the License, waste haulers must register with the District by completing a license application in a form specified by the Department. The application will require, at a minimum:

(a) Name, address and principal place of business of the applicant;

(b) A copy of applicant's state application for a license to operate municipal solid waste transportation vehicles as described in Section 1 of 601 KAR 40:020;

(c) A copy of applicant's current Kentucky Transportation Cabinet Application for Kentucky Solid Waste Transporter Vehicle Identification Card form as required by KRS 174.450 and 601 KAR 40:020.

(3) To obtain and maintain the License, waste haulers operating within the County must offer a basic service package to all residential customers. The basic service must consist of once-a-week curbside collection of household waste; once-a-week seasonal collection of yard waste; and once-a-week curbside collection of recyclables. Other alternative collection service scenarios may be used if approved by the Board. Haulers must provide for the collection of the following recyclable materials at a minimum: newspaper; aluminum and steel cans; clear, green and brown container glass; HDPE and PETE plastic bottles and jugs.

(4) All private waste haulers operating within the County must, as a condition of the License, have a Variable Service Rate pricing structure for their respective residential customers.

(5) All private waste haulers must offer collection of source separated recyclable materials to all commercial and industrial customers.

(6) To obtain and maintain the License, all waste haulers must be in compliance with all state, federal and local laws and regulations pertaining to waste haulers and waste hauling.

(D) License Fee: The license fee for a waste hauler operating in the County shall be \$100 per year and \$10 per waste collection vehicle operated by the licensee. The annual renewal fee shall be due and payable on or before July 31 of each year. The annual renewal fee shall be based on the most current renewal of the Kentucky Municipal Solid Waste Transporter License. A copy of the current Carrier Inventory Listing (with corrections) for municipal solid waste transporters should accompany the annual renewal fee.

(E) Required Reporting:

(1) All waste haulers operating within the County shall file an annual report with the District.

(2) Such reports shall be due on February 15 of each year.

(3) Such reports shall be in conformance with the format and requirements set forth by the Department. The report will provide data to the District on at least the following items:

- (a) Number of households and businesses served;
- (b) Amounts of solid waste collected by weight;
- (c) Geographic area served;
- (d) Frequency of service;

- (e) Amounts of recyclables collected by weight;
- (f) Disposal facilities used and amount by weight delivered to each facility;
- (g) Yard waste facilities used and amount by weight delivered to each facility;
- (h) Amount of bulk waste, if collected separately; and
- (i) Recycling facilities used and amount by weight delivered to each facility.

(F) Vehicle Requirements:

(1) Only closed, leak proof and self-unloading packer trucks shall be used for the collection of residential solid waste.

(2) No person shall convey or transport any solid waste upon or along any public way in the County unless such solid waste is contained or covered so as to prevent it from leaking, dropping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported; provided, however, a vehicle engaged in the collection of non-putrescible waste may be uncovered while in the process of acquiring its load where said stops are separated by less than a mile.

(3) All vehicles used for the collection, transportation and disposal of solid waste within the County must be registered with the District in a form provided by the Department.

(4) All vehicles used for the collection, transportation and disposal of solid waste within the County must display their registration on the vehicle in the form and location set by the Department.

(G) Prohibited Activities: No waste hauler may commingle yard waste and solid waste in a collection vehicle, unless using a "single pass" or "co-collection" type of vehicle especially designed and constructed to segregate two different collection streams. If such vehicles are used, the hauler(s) must notify the District in writing.

§ 51.301. TRANSFER FACILITIES.

(A) Handling of Municipal Solid Waste: All operations involving the loading, unloading or storage of municipal solid waste as defined in L.M.C.O. Section 51.001 shall take place within an enclosed structure. Such structure shall be enclosed with at least three sides and a roof; be equipped with a dust control system of such a design as to minimize the amount of fugitive dust that can escape the waste processing area and be equipped with a system to control odors emanating from the waste handling process.

(B) Handling of Construction, Demolition Waste/Yard Waste: Operations involving the loading, unloading, processing or storage of construction and demolition waste or yard waste shall take place on a hard surface pad and be located within the fenced, screened area of the facility.

(C) Waste Accumulation: Transfer Facilities shall not leave waste on the tipping floor overnight. No waste shall be accumulated at the facility beyond the daily operational design capacity specified in the Kentucky Division of Waste Management Registered Permit by Rule.

(D) Asbestos-Containing Materials: Transfer Facilities shall not accept asbestos -containing materials unless they have a permit from the Louisville/Jefferson County Air Pollution Board.

(E) Hazardous Materials: Transfer Facilities handling municipal solid waste shall not knowingly accept hazardous materials. Facilities shall have a procedure for visually checking loads for hazardous material. Municipal solid waste may contain incidental amounts of hazardous waste generated from household sources.

(F) Drainage Provisions: All drainage from the waste storage, loading/unloading and yard areas shall be discharged to a municipal sewer or to an on-site wastewater treatment system (other than subsurface disposal) or collection system capable of preventing discharge of contaminants to any stream or waterway.

(G) Screening: Transfer Facilities shall have a fenced and screened perimeter. The screening shall be sufficient to prevent any debris such as leaves, plastic, paper and miscellaneous materials from passing through the screening.

(H) Concurrent Regulations: In addition to these regulations, Transfer Facilities shall be in compliance with all applicable regulations and permit requirements of the Commonwealth of Kentucky and local jurisdictions, including the Louisville Metro zoning Regulations.

§ 51.301. COMPOST FACILITIES.

(A) Approvals: Compost facilities shall possess an approved Kentucky Division of Waste Management Registered Permit-by-Rule and any necessary Louisville Metro zoning approvals, including a Conditional Use Permit, if applicable.

(B) Site Access: Compost Facilities shall restrict unauthorized access to the premises including a gate that is kept locked when the facility is not operating. Facilities shall have an attendant on site during all hours the facility is open.

(C) Acceptable Materials: Compost Facilities shall accept only herbaceous material, such as grass, leaves, shrubbery, tree trimmings, yard waste, etc. as defined in L.M.C.O. Section 51.001; vegetable food scraps; manure; biosolids; and straw, or a mixture thereof.

(D) Record-keeping: Compost Facilities shall maintain accurate records of the amount of waste received at the site. Facilities shall maintain records of the amount of finished compost distributed or disposed of from the facility. These records shall be current and available for inspection by District enforcement officers. In addition, the facilities shall provide the District a copy of its Kentucky Division of Waste Management Annual Report for a Solid Waste Compost Facility (form DEP7108).

(E) Non-organic Wastes: Compost Facilities shall transfer any incidental amounts of non-organic wastes contained in incoming loads to an appropriate, permitted waste management or disposal facility. Non-organic wastes shall not be permitted to accumulate on the site loose. Such waste must be contained in a dumpster or similar container.

(F) Stockpiles, Unprocessed Materials: Compost Facilities shall keep unprocessed, compostable waste materials in an orderly manner and separated from all other materials on site. Stockpiles of unprocessed materials shall not exceed fifteen (15) feet in height nor shall they consume an area greater than one third (1/3) of the total area of the facility. Unprocessed, compostable waste materials shall be kept separated from all other materials by eighteen (18) feet wide fire lanes. All incoming materials, except logs, shall be ground and placed into windrows for decomposition

within 30 days of receipt. Maximum storage time for logs on site shall not exceed 120 days.

(G) Stockpiles, Processed Materials: Materials that have been ground, chipped or shredded for composting, except wood chip piles, and which are in various stages of decomposition shall be maintained in windrows. Windrows shall be no greater than fifteen (15) feet in height or forty (40) feet in width and shall be separated by eighteen feet wide fire lanes. Wood chip piles shall not exceed forty (40) feet in height and 250 feet in width and length. Maximum storage time for wood chips on site shall not exceed six (6) months.

(H) Stockpiles, Finished Materials: Materials that have completed the composting/decomposition process and are awaiting distribution shall be stored in stockpiles not to exceed 400 feet in length and 250 feet in width. Such stockpiles shall not remain on site more than one hundred eighty (180) days. Stockpiles of finished materials shall be kept separated from all other materials by eighteen feet wide fire lanes.

(I) Water Supply: Compost Facilities shall have access to a water supply that has been approved by the local fire district or department for fire fighting purposes.

(J) Fire Lanes: Fire lanes must be paved or constructed of a material such as cinders, fine gravel or stone sufficient to allow access by fire-fighting vehicles with a weight of 35,000 pounds in all weather conditions.

(K) Wood Chips: Handling of wood chips shall comply with "National Fire Protection Association (NFPA) 230, Section E-5, Outside Storage of Wood Chips and

Hogged Materials”, a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Solid Waste Management District Office, 600 Meriwether Ave., from 8:30 a.m. to 4:30 p.m.

(L) Logs: Logs, tree trunks or other wood received on site shall be:

(a) separated from other materials upon receipt at the site,

(b) storage of logs must comply with “NFPA 230, Section E-6, outside Storage of Logs”, a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Solid Waste Management District Office, 600 Meriwether Ave., from 8:30 a.m. to 4:30 p.m.

(M) Site Run-Off: Control of run-off from the site shall be according to a plan approved by the Louisville and Jefferson County Metropolitan Sewer District, and the Kentucky Division of Water. The facility shall obtain all necessary permits from these agencies.

(N) Exclusions: These regulations shall not apply to backyard compost piles such as may be found in residential settings or small volume operations such as typically may be found at nurseries as long as the total accumulation of material, processed or unprocessed, on site does not exceed twenty (20) cubic yards.

§ 51.303 CONSTRUCTION/DEMOLITION DEBRIS FACILITIES.

(A) Approvals: Construction/Demolition Debris facilities shall possess an approved Kentucky Division of Waste Management Registered Permit-by-Rule and any

necessary Louisville Metro zoning approvals, including a Conditional Use Permit, if applicable.

(B) Site Access: Construction/Demolition Debris Facilities shall restrict unauthorized access to the premises including a gate that is kept locked when facility is not operating. Facilities shall have an attendant on site during all hours the facility is open.

(C) Acceptable Materials: Construction/Demolition Debris Facilities shall accept only those construction/demolition debris wastes as defined in L.M.C.O. Section 51.001.

(D) Record-keeping: Construction/Demolition Debris Facilities shall maintain accurate records of the amount of waste received at the site. Facilities shall maintain records of the amount of processed material distributed and/or disposed of from the facility. These records shall be current and available for inspection by District enforcement personnel. In addition, the facilities shall provide the District a copy of its Kentucky Division Of Waste Management Quarterly Report as required by the applicable sections of 401 KAR 47:190.

(E) Other Wastes: Construction/Demolition Debris Facilities shall not accept, other than in incidental amounts, household solid waste, hazardous waste, yard waste or any other waste that is not construction/demolition waste. An incidental amount is an amount which, despite the exercise of due care under the circumstances, was not discovered by the permittee. Facilities shall transfer any such wastes contained in incoming loads to an appropriate, permitted waste management or disposal facility. Any

such wastes shall not be permitted to accumulate on the site loose. Such waste shall be contained in a dumpster or similar container. No disposal shall occur on the site.

(F) Stockpiles: Construction/Demolition Debris Facilities shall maintain materials in an orderly manner. Stockpiles of all materials, processed and unprocessed shall not exceed twenty (20) feet in height nor shall they consume an area greater than two thirds (2/3) of the total area of the facility. Construction/Demolition facilities shall not have in accumulation at the facility a volume of unprocessed, unsorted waste greater than the volume received at the gate within the last sixty (60) days. Stockpiles of unprocessed materials containing wood, and processed piles of segregated wood, mulch or other combustible materials shall: be placed in rows not to exceed twenty (20) feet in height, forty (40) feet in width, and one-hundred fifty (150) feet in length, and be separated from each other, or stockpiles of other materials, by a minimum of fifteen feet, and have sufficient room at each end to allow maneuvering of fire-fighting equipment, including ready exit and entry from spaces between rows, as approved by the local fire district or department.

(G) Water Supply: Construction/Demolition Debris Facilities shall have access to an on-site water supply that has been approved by the local fire district or department for fire fighting purposes.

(H) Fire Lanes: Construction/Demolition Debris Facilities shall have fire lanes paved or constructed of a material such as cinders, fine gravel or stone sufficient to allow access by fire-fighting vehicles with a weight of 35,000 pounds in all weather conditions.

(I) Wood Chips: Construction/Demolition Debris Facilities handling wood chips shall comply with "National Fire Protection Association (NFPA) 230, Section E-5, Outside Storage of Wood Chips and Hogged Materials", a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Waste Management District Office, 600 Meriwether Ave., during business hours.

(J) Site Run-Off: Control of run-off from Construction/Demolition Debris Facilities shall be according to a plan approved by the Louisville and Jefferson County Metropolitan Sewer District and the Kentucky Division of Water. The facility shall obtain all necessary permits from these agencies.

METRO SOLID WASTE MANAGEMENT IN THE URBAN SERVICES DISTRICT

§ 51.400. URBAN SERVICES DISTRICT; POWERS AND DUTIES.

(A) The Department shall have control, unless otherwise provided by law, of all matters pertaining to solid waste within the Urban Services District.

(B) The powers and duties of the Department shall include but not be limited to the following:

(1) Publish reasonable regulations concerning the collection and disposal of waste within the Urban Services District that are not contrary to L.M.C.O. Chapter 51;

(2) Along with other authorized agencies, enforce the provisions of L.M.C.O. Chapter 51;

(3) Enforce regulations concerning the collection, disposal and recycling of waste within the Urban Services District and the Central Business District.

§ 51.401. URBAN SERVICES DISTRICT; DUTIES OF DIRECTOR.

(A) The Director, shall supervise and control the proper collection and disposal of solid waste in the Urban Services District as prescribed by this Chapter, and may have such other duties as may be prescribed by the Mayor. The Director shall have authority to establish procedures and to enforce regulations concerning:

- (1) days of collection;
- (2) location and types of containers for collection;
- (3) conveyance of garbage, waste and materials to be recycled;
- (4) disposal of garbage, waste materials to be recycled or collected;
- and

(5) other matters pertaining to collection, disposal or fees to be charged therefore, in conformity with regulations of the Waste Management District, Kentucky Natural Resources and Environmental Protection Cabinet and any other applicable law or regulation.

(B) Responsibilities of the Director shall include managing programs for waste reduction, recycling, transportation, collection and disposal, in such a manner as shall best promote public health and safety and preserve the natural environment. The Director shall oversee maintenance and operation of any mechanical equipment or plants used for the disposal of solid waste by or on behalf of the Metro Government including grounds and equipment. Copies of current regulations shall be available at the office of the Director.

§ 51.402. URBAN SERVICES DISTRICT; REMOVAL OF DEAD ANIMALS.

The Director is authorized to enter into contracts on behalf of Metro Government with any person, commercial enterprise, or governmental agency requesting the removal of any dead animal from the property of the person, commercial enterprise, or governmental agency by the Metro Government to a proper disposal point. Any such contract shall provide the amount of the charges to be paid to the Metro Government for such services. The Director shall fix such charges in such sums as will cover the cost of the Metro Government in collecting and disposing of such animals.

§ 51.403. URBAN SERVICES DISTRICT; DISPOSAL OF ORDINARY COMMERCIAL SOLID WASTE.

The Director is authorized to enter into contracts on behalf of the Metro Government with any person located within the Urban Services District having ordinary commercial solid waste in excess of two ninety five (95) gallon containers per collection for the removal thereof by the Metro Government. Any such contract shall provide the amount of the charges to be paid to the Metro Government for such services, and these charges shall be fixed by the Director in such sums as will cover the costs of the Metro Government in collecting and disposing of such waste.

§ 51.404. COLLECTION IN CENTRAL BUSINESS DISTRICT.

(A) (1) Notwithstanding any other provision in this chapter, any commercial business situated in the Central Business District as defined in this Chapter, may have its regular solid waste collected by the Department and Services, provided, the business acquires special 95-gallon containers that fit Metro Government-owned trucks designed especially for such bulk waste pick-up. The Metro Government shall make such

containers available for use by businesses in the Central Business District, in quantities that represent the business' actual needs, as determined by records of the Department.

(2) Any commercial business situated in the Central Business District that chooses not to acquire the special containers that fit the Metro Government equipment shall contract with private Waste Haulers of solid waste or otherwise assure the proper and legal removal and disposal of solid waste from its premises.

(B) It shall be unlawful for any person or business to place containers of trash, garbage or refuse of any kind in or on the streets or sidewalks of the Central Business District between the hours of 8:00 a.m. and 3:00 p.m.

(C) In no case shall the Metro Government pick up or be responsible to dispose of any hazardous or medical wastes as defined in state law.

§ 51.405. COLLECTION IN URBAN SERVICES DISTRICT.

(A) For the collection of household solid waste:

(1) The Department will collect household solid waste set out for collection from residential buildings having eight or fewer units. All household garbage must be set out in the cart provided by the Department. No plastic bags containing household waste are allowed to be set outside of the carts. Plastic bags may be used only for the collection of yard waste.

(2) All household garbage must be set out by 6:00 a.m. on the collection day set by the Department, and may be set out no earlier than 4:00 p.m. on the day before collection.

(3) All carts must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(B) For the collection of small business solid waste:

(1) The Department will collect small business solid waste set out for collection by small businesses that use roll out carts provided by the Department. No other carts, garbage cans, plastic bags or containers may be used for the storage of or collection of solid waste in the Urban Services District. The Department will provide two 95 gallon carts per business; any waste in excess of this amount will be charged per section 51.403 of this Chapter .

(2) For purposes of this Subsection (B), a small business shall mean any business or organization that has a volume of solid waste that can be disposed of on a weekly basis in four or less 95 gallon carts.

(C) It shall be unlawful for any person to place garbage and household solid waste for collection in the public streets and alleys in the Urban Services District except in accordance with the terms of this Chapter.

(2) Appeal.

(a) If any owner or occupant believes that compliance with this Section (A)(1) would create a hardship by reason of physical handicap or medical condition; or because of impossibility due to the physical conditions for waste collection at their adjoining properties; the owner or occupant may apply for a variance, in writing, to the Director stating the basis for the hardship and the relief requested.

(b) The Director upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance may grant the relief requested or other appropriate relief.

(c) If granted an exemption for set-out in (b) above the containers must meet specifications set out in Section 51.602 of this Chapter ~~consistent~~Chapter consistent with the terms of the exemption.

(D) Other regulations established by the Director may apply to the collection and setting out of garbage, recycling, and yard wastes.

(E) Tree limbs, branches and brush must be cut into four foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(F) The following materials shall **not** be set out for collection: auto parts, tires, asphalt, concrete, dirt, rock, asbestos, hazardous waste (including medical waste) and hot ashes.

(G) Project Pick-up. Bulky Waste

(1) Except as otherwise provided herein, there is no limit on the number or types of items that may be set out for collection by Project Pick-up. However, all items must come from the household where they are set out.

(2) No construction or demolition materials (including but not limited to lumber, shingles, gutters, siding and concrete slabs) may be set out.

(3) No more than four tires per residence may be set out. No automotive parts (including but not limited to engines, transmissions, axles and body panels) may be set out. No boats or motorcycles may be set out.

(4) Tree limbs, branches and brush must be cut into four foot lengths no greater than four inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(5) No loose debris may be set out. All small items must be boxed, bagged or bundled. No bag, box or bundle may weigh more than 60 pounds.

(6) No hazardous waste such as motor oil, batteries, paint, gasoline, antifreeze or chemicals (including medical waste) as defined in KRS Ch. 224 may be set out.

(7) No 55-gallon drums may be set out.

(8) Doors must be removed from freezers and refrigerators.

(9) All items must be set out no earlier than 4:00 p.m. of the Friday before the announced Project Pick-up Collection Week and no later than 6:00 a.m. on the Monday of the announced Project Pick-up Collection Week.

(10) Project Pick-up items must be set out at the same location as that specified for regular garbage pick-up but sufficiently separated so that it is easily distinguished.

GENERAL PROVISIONS REGARDING SOLID WASTE

§ 51.500. MANDATORY SOLID WASTE COLLECTION.

(A) It shall be the duty of the owner and occupant of every residence and the owner of every commercial or industrial establishment to provide for not less frequent than weekly disposal of all solid waste generated by either (1) employing the services of a solid waste collection and disposal service; or (2) having use of the service of a

municipally provided waste hauler; or (3) having solid waste collection and disposal services through the Urban Services District.

(B) The owner and occupant of said residence or the owner of said commercial or industrial establishment that does not have use of a municipally provided solid waste collection and disposal service must be able to produce evidence of compliance with subsection (A)(1) above in the form of a paid receipt from the solid waste collection and disposal service employed by the owner and/or occupant.

§ 51.501. PROHIBITED ACTIVITIES.

(A) No person shall deposit, dump, discharge, place or cause to be placed any solid waste upon any road, highway or alley or upon any public or private land other than a solid waste management facility permitted by the Cabinet that meets all applicable Louisville Metro zoning regulations.

(B) No person shall tamper with, remove from, or deposit solid waste into any container not owned by them or expressly provided for their use.

(C) No person shall upset or overturn the contents of any waste or recycling container on any street, alley, or other public or private place.

§ 51.502. LOCATIONS FOR DEPOSIT OF SOLID WASTE.

Solid waste and yard waste collected, disposed of or deposited within the County shall be disposed of or deposited only at a landfill, solid waste management facility, recycling facility, compost facility or waste disposal facility, permitted by the Cabinet and meeting all applicable laws and regulations.

§ 51.503. TRANSPORTATION AND COLLECTION OF SOLID WASTE.

(A) Only closed, leak-proof and self-unloading packer trucks shall be used for the collection of solid waste.

(B) No person shall convey or transport any solid waste upon or along any public way in the County unless such solid waste is contained or covered so as to prevent it from leaking, dropping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported; provided, however, a vehicle engaged in the collection of non-putrescible waste may be uncovered while in the process of acquiring its load where said stops are separated by less than one mile.

(C) No person shall drain the liquid from any such vehicle upon any road or highway or upon any land other than a Waste Disposal Facility or Recycling Facility permitted by the Cabinet and that meets all applicable laws and regulations.

(D) All vehicles used for the collection, transportation and disposal of solid waste, other than those used by the Urban Services District, must be registered with the District pursuant to regulations duly adopted by the Board of Directors. Said registration must be displayed in a manner set out in regulations duly adopted by the Board of Directors.

§ 51.504. FAILURE TO OBEY REGULATIONS.

It shall be a violation of this chapter for any person to willfully fail to obey the lawful regulations of the Director promulgated pursuant thereto concerning the collection and disposal of waste.

§ 51.505. DISPOSAL OF ORDINARY COMMERCIAL SOLID WASTE.

It shall be the duty of every person having commercial solid waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All commercial solid waste must be disposed of at an approved disposal facility.

§ 51.506. DISPOSAL OF INDUSTRIAL WASTE.

It shall be the duty of persons having industrial waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All industrial waste shall be disposed of at a state approved disposal facility at the expense of the person producing or accumulating such waste.

§ 51.602. SOLID WASTE CONTAINER SPECIFICATIONS.

(A) Inside the General Services District the following shall apply:

(1) The occupant shall deposit all waste placed out for collection or storage in containers designed for the express purpose of solid waste storage and removal. Outdoor solid waste collection containers shall conform to the requirements set forth in this Chapter or by regulations established by the Waste Management District or the Director of the Department.

(2) Containers shall be designed for safe handling. They shall be non-absorbent, watertight, vector-resistant, animal-resistant, durable, easily cleanable, and provided with tight-fitting lids or covers which are readily opened or removed. Containers that have rusted through the sides or bottom or are bent, dented, damaged or jagged to the extent that they are not water, fly or rodent tight or which might be dangerous to collection personnel shall not be used for storing solid waste.

(3) Reusable containers that are emptied manually shall not exceed 60 pounds when filled, and shall be capable of being serviced without the waste hauler coming into physical contact with the solid waste.

(4) Plastic bags may be used outside of a container only for curbside collection of household waste, yard waste or recyclables and only in the General Services District. Plastic bags may not be used for any other outside storage of solid waste at any time. Paper bags may be used only for the storage and collection of yard waste.

(5) Containers used for animal manure shall be kept tightly covered at all times and shall be sealed to prevent access by flies and other vectors.

(6) Containers used for mechanized waste collection, including stationary compactors, shall be equipped with a close-fitting lid and be kept leak-proof and rodent-proof. They shall also be in compliance with the U.S. Consumer Product Safety Commission design criteria for refuse bins.

(7) Solid waste generated by households shall be stored in collection containers of not more than 40 gallons nor less than ten gallons in capacity (unless they are mounted on casters and designed to be rolled to the collection vehicle for mechanical emptying), except for multi-family occupancies that are serviced by large capacity bins designed for mechanical dump systems.

(8) In the case of residential units rented or leased, the landlord shall be responsible for providing sufficient and appropriate storage containers on the premises for the collection, storage and the proper disposal of solid waste.

(9) It shall be the duty of every owner of multifamily properties containing nine or more units to provide bulk containers of sufficient volume for the frequency of collection and storage of garbage and household solid waste.

(10) All household garbage must be set out by 6:00 a.m. on the collection day designated by the waste hauler, and may be set out no earlier than 4:00 p.m. on the day before the collection. All containers must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(B) Enforcement. In addition to enforcement by the Department, IPL shall have authority to issue citations for violations paragraphs (A)(1) through (9) of this section.

§ 51.603. PROVISION OF SOLID WASTE STORAGE AND REMOVAL.

(A) The occupant of any premises, residence, business establishment, institution or industry shall be responsible for assuring the satisfactory storage, removal and disposal of all solid waste generated or accumulated on the property or premises. In the case of multi-family residential property, the landlord shall be responsible for providing sufficient storage containers on the premises for the collection, storage and disposal of solid waste.

(B) All persons shall store solid waste on their premises or property in such a manner so as not to constitute a public health nuisance or fire, health, or safety hazard, and shall collect it in such a manner so as not to promote the propagation, harborage, or attraction of vectors, or the creation of litter or other nuisances. Where storage containers are furnished, the provider of the container is responsible for maintaining it in good condition, ordinary wear and tear excepted, unless the container(s) is furnished under other terms, conditions, or agreements. The owner of the container other than a standard garbage can shall be prominently identified on the container in letters no smaller than two (2) inches tall.

(C) Enforcement. In addition to enforcement by the Department, IPL shall have authority to issue citations for violations of this section.

§ 51.605. LANDFILL DISPOSAL BAN.

(A) No Yard Waste may be disposed of or deposited at any landfill or solid waste management facility in the County, except for a compost facility. De minimis amounts of yard waste in otherwise mixed loads of solid waste shall not be considered a violation of this section. For purposes of this section, de minimis shall mean five (5%) percent or less, by volume, of yard waste mixed throughout a load of solid waste.

(B) Mixture with other waste:

(1) No yard waste may be mixed with any other solid waste and placed out for collection within the County.

(2) No yard waste may be commingled in the same waste collection vehicle with any other solid waste placed out for collection in the County, unless the vehicle is a "single-pass" or "co-collection" type of vehicle.

(3) No yard waste may be commingled with other waste in any vehicle hauling out of any transfer facility in the County.

(C) Bulk woody waste: No bulk woody waste may be disposed of at any landfill or solid waste management facility in the County.

(D) Recycling: All yard waste and bulk woody waste collected in the County must be deposited at a permitted facility for recycling, composting, landfarming or some other beneficial reuse.

§ 51.998. PENALTIES AND INTEREST.

(A) All licensing fees or renewal fees assessed herein shall accrue interest at the legal rate, compounded daily, for each day or portion of a day that the fee remains due and unpaid after the due date.

(B) Any licensee who fails to pay the licensing fee when due shall be subject to a penalty of \$ 1,000 per day for each day or any part of each day that the fee remains unpaid.

(C) If any due date falls on a Saturday, Sunday or legal holiday, the fee shall be due and payable without penalty or interest on the next day that is not a Saturday, Sunday or legal holiday.

(D) For good cause shown, if payment is made within five days of the due date, the penalties and interest prescribed by this Section may be waived in the discretion of the Department.

§ 51.999. PENALTY.

(A) A violation of this Ordinance shall be classified as a civil offense and, except as provided by L.M.C.O. Section 51.202, shall be enforced through the Code Enforcement Board as provided in L.M.C.O. 32.275 – 32.290, or as it may be amended.

(B) Any person who violates L.M.C.O. §§ 51.405, 51.500, 51.504, 51.505, 51.506, 51.602, 51.603, 51.604, and or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation, or order of the Waste Management District or the Department promulgated pursuant thereto shall be liable for a civil penalty of not less than \$50 per day or per occurrence, and not more than \$2,500 per day or per occurrence. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$50 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense committed within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(C) Any person who violates §§ 51.501, 51.502 or 51.503, or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation or order of the Waste Management District or the Department promulgated pursuant thereto, shall be liable for a civil penalty of not less than \$250 nor more than \$5,000. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$250 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense

committed within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(D) Any person who fails to obtain, retain, renew, or maintain any license required under this Chapter or under Solid Waste Regulations shall be liable for a civil penalty of not less than \$100 nor more than \$500. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$150 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(E) Any person who knowingly provides false information in any document filed or required to be maintained under this ordinance or under Solid Waste Regulations enacted pursuant to this ordinance, shall be liable for a civil penalty of not less than \$500 nor more than \$2,500. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$1,000 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(F) Any person who violates §§ 51.602 or 51.604, or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation or order of the Waste Management District or the Department promulgated pursuant thereto, shall be liable for a civil penalty of not less than \$100 nor more than \$1,000. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$250 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.


(G) Any person who violates any other provision of this Chapter or any regulation promulgated pursuant thereto or who fails to perform any duties imposed by this Chapter, or who violates any determination or order of the Waste Management District or Department promulgated pursuant thereto shall be liable for a civil penalty of not less than \$500 nor more than \$2,500 for each day during which the violation continues, and in addition, may be concurrently enjoined from any violations as provided herein. For a first offense within a two-year period, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$1,000 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.


(H) Any person cited pursuant to this Ordinance may pay the minimum civil penalty within seven (7) days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Board ("Board") in accordance with Code Sections 32.275 et. seq. If the person fails to respond to the citation within seven (7) days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.


(I) It shall be the duty of the Office of the Jefferson County Attorney to institute an action for the recovery of any penalties and costs otherwise authorized in this Chapter, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Chapter, or any administrative regulation, order, or determination of the District promulgated pursuant thereto.

(J) Any penalties levied or damages recovered under this chapter shall be in addition to any other remedies under federal, state or local law.

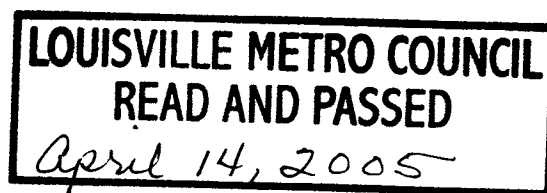
SECTION IV. This Ordinance shall take effect upon its passage and approval.


Kathleen J. Herron
Metro Council Clerk


Jerry E. Abramson
Mayor


Dr. Barbara E. Shanklin
President of the Council

Approved: 4-19-05
Date



APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney EPM

BY: _____

LMCO51SolidWasteFromBabsBySpickardROCbknDraft2
LMCO 51 Solid Waste Draft 3 epm
LMCO 51 Solid Waste Draft 4 epm
LMCO 51 Solid Waste Draft 5 epm
LMCO 51 Solid Waste Draft 6 epm

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10-20-04
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